

Serial No. 09/671,918

A. Partyka 12

REMARKSRejection of claims

Claims 25-53 were presented for examination and were rejected.

The applicant traverses the rejection and respectfully requests reconsideration in the light of the amendments and the following remarks.

Claim Rejection – 35 USC 112

Claim 42 was rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The applicant respectfully traverses the rejection.

Claim 42 recites:

42. (previously presented) *A plurality of transmitters*, each of which comprises:
a circuit for transmitting intermittently: (a) routine transmissions, at first time intervals,
and (b) urgent transmissions, in response to urgency, at transmission opportunities at second time
intervals, and
wherein each of *said plurality of transmitters* is for transmitting independently of any
receiver for receiving any of said transmissions and independently of any other of *said plurality
of transmitters*.

(emphasis added)

The Office states:

Claim 42 recites the limitation "*said plurality of transmitter*". There is no sufficient
antecedent basis for this limitation in the claim.

(emphasis added)

The applicant respectfully points out that the Office rejection is based on factual error. The
claim, in fact, does comprise sufficient antecedent for the limitations as claimed. The antecedent is "A
plurality of transmitters" in the first line of the claim.

Consequently, the applicant respectfully submits that the Office rejection under 35 USC 112 is
traversed. The applicant respectfully submits that claim 42 is allowable.

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Claim Rejection – 35 USC 102

Claims 25-38 and 40-53 were rejected under 35 USC 102(b) as being anticipated by Schilling (US 5,657,343).

The applicant respectfully traverses the rejection. The applicant respectfully submits that the claims claim fundamentally different invention that is not anticipated by Schilling.

Claim 25 recites:

25. (previously presented) A system comprising:

a plurality of transmitters, each of which is for transmitting intermittently: (a) routine transmissions, at first time intervals, and (b) urgent transmissions, in response to urgency, at transmission opportunities at second time intervals; wherein *each of said plurality of transmitters is for transmitting independently of any receiver for receiving any of said transmissions* and independently of any of said plurality of transmitters, and

a receiver for holding, simultaneously for each of said plurality of transmitters, data indicative of: an expected time of at least one future transmission opportunity.

(emphasis added)

The Office states:

With regard to claims 25, 27-28 and 30, 32-33 Schilling discloses a plurality of transmitters [base-station transmitters, col. 6, lines 11-12] and, each of which is for transmitting intermittently: (a) routine transmissions, at first time intervals [synchronization channel can be multiplexed with base-message data and sent out periodically, col. 6, lines 42-46], and (b) urgent transmissions, in response to urgency, at transmission opportunities at second time intervals [periodic signal strength pilot signals, indicating signal power levels, from the master base-station, which effects handoff (col. 12, lines 63-67)], wherein *each of said plurality of transmitters [base-station transmitters, col. 6, lines 11-12] is for transmitting independently of any receiver [remote-unit receiver, col. 6, lines 11-12] for receiving any of said transmissions and independently of any of said plurality of transmitters*

(emphasis added) [insertions by the Office in the Office action text]

Further, the Office states:

[examiner interprets the independence from both the receiver and the other transmitters as both (a) distance from either the remote-unit receiver and other base stations, and (b) different assigned frequencies for hopping between the base-station and the remote-unit (i.e., they can be changed within a base station cell, col. 12, lines 56-59), as well as the different assigned frequencies between base-stations (e.g., col. 9, line 65 to col. 10, line 14)].

(emphasis added) [insertions by the Office in the Office action text]

The Office argument is fundamentally based on a peculiar re-definition of the notion of "independence" to be somehow related and restricted to a distance and an assignment of frequencies.

The applicant respectfully submits that the Office is confused in this matter and entirely incorrect.

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The applicant points out that such re-definition is neither needed nor warranted. Such re-definition is not consistent with common dictionary definition and this application.

The applicant respectfully submits that there is **absolutely nothing in the present application that would invite such re-definition**. Quite to the contrary, the present application teaches, and claim 25 claims, clearly and precisely, an invention capable of operating as a one-way system. In such system there is no information passed from the receiver to any of the transmitters, thus a transmitter behaves just the same irrespective of the receiver behavior or even the receiver presence.

The present invention clearly teaches: [specification page 6, line 5-9]

The transmitters are not connected to each other and do not receive messages back from the receiver. *i.e.* a transmitter does not have the capability to receive signaling, timing or data from other transmitters or from the receiver. Furthermore, a transmitter transmit messages when it needs to without any regard to whether the other transmitters are transmitting and without regard to the receiver. [page 6, line 5-9]

(emphasis added) [insertion added]

Such transmitters are not influenced by the receiver, *i.e.* such transmitters transmit independently of the receiver.

The applicant respectfully submits that Schilling teaches fundamentally different invention. The applicant respectfully submits that neither the quoted by the Office text nor any other parts of Shilling specification teaches or suggests what the present invention teaches and what claim 25 claims.

In fact, Schilling teaches a two-way cellular system. In general, in a cellular system and in particular, in Schilling system, many aspects of transmitter behavior depend on the presence of a receiver and also on interaction with the receiver.

For example, Schilling clearly teaches:

Base-message data are defined herein to be message data originating from a base station, and remote-message are defined herein to be messages data originating from a remote unit. Thus, the base station communicates base-messages data to the plurality of remote units. A remote unit communicates remote-message data to the base station. [col. 5, line 66 to col. 6, line 5]

(emphasis added) [insertion added]

Clearly, Schilling teaches a two-way system. In the Schilling system, the transmitter and the receiver interact, thus operating in mutually dependent fashion.

Schilling clearly and explicitly teaches many ways they interact. Suffice to point out one.

For example, Schilling teaches:

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The base station has base-hopping means for hopping on a plurality of frequencies, simultaneously. [col. 6, line 62-63] [And further:]

In response to the selected-remote unit being located in a particular-concentric region, the base-controller means controls the set of frequencies used by the base-hopping means. [col. 7, line 8-11]

(emphasis added) [insertion added]

Clearly, base station is responsive to the presence and behavior of the remote units, i.e. receivers.

Thus in no way, it could be reasonably asserted that in the Schilling system "...*each of said plurality of transmitters is for transmitting independently of any receiver for receiving any of said transmissions...*" as demanded by the emphasized element of the claim.

Consequently, the applicant respectfully submits that the Office rejection under 35 USC 102(b) is traversed. The applicant respectfully submits that claim 25 is allowable.

Because claims 26 to 29 are dependent on claim 25, they are too allowable.

Claim 30 recites:

30. (previously presented) A method comprising:

transmitting intermittently, by each of a plurality of transmitters: (a) routine transmissions, at first time intervals, and (b) urgent transmissions, in response to urgency, at transmission opportunities at second time intervals; wherein *said transmissions are independent of any receiver for receiving any of said transmissions and independent of any of said plurality of transmitters*, and

holding, in a receiver, simultaneously for each of said plurality of transmitters, data indicative of an expected time of at least one future transmission opportunity.

(emphasis added)

In the light of the arguments given in respect to claim 25, the applicant respectfully submits that the office rejection of claim 30 under 35 USC 102(b) is traversed. The applicant respectfully submits that claim 30 is allowable.

Because claims 31 to 34 are dependent on claim 30, they are too allowable.

Claim 35 recites:

35. (previously presented) A receiver comprising:

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logic for holding, simultaneously for each plurality of transmission opportunities, data indicative of an expected time of at least one future transmission opportunity, wherein each said plurality of transmission opportunities is for a different one of a plurality of transmitters, and wherein each of said plurality of transmitters is for transmitting intermittently (a) routine transmissions, at time intervals, and (b) urgent transmissions, in response to urgency, at at least one of said transmission opportunities, wherein *each of said plurality of transmitters is for transmitting independently of any receiver for receiving any of said transmissions* and independently of any other of said plurality of transmitters.

(emphasis added)

In the light of the arguments given in respect to claim 25, the applicant respectfully submits that the office rejection of claim 35 under 35 USC 102(b) is traversed. The applicant respectfully submits that claim 35 is allowable.

Because claims 36 to 41 are dependent on claim 35, they are too allowable.

Claim 42 recites:

42. (previously presented) A plurality of transmitters, each of which comprises:

a circuit for transmitting intermittently: (a) routine transmissions, at first time intervals, and (b) urgent transmissions, in response to urgency, at transmission opportunities at second time intervals, and

wherein *each of said plurality of transmitters is for transmitting independently of any receiver for receiving any of said transmissions* and independently of any other of said plurality of transmitters.

(emphasis added)

In the light of the arguments given in respect to claim 25, the applicant respectfully submits that the office rejection of claim 42 under 35 USC 102(b) is traversed. The applicant respectfully submits that claim 42 is allowable.

Because claims 43 to 48 are dependent on claim 42, they are too allowable.

Claim 49 recites:

49. (previously presented) A transmitter comprising:

a circuit for transmitting intermittently and at various transmission frequencies: (a) routine transmissions, at first time intervals, and (b) urgent transmissions, in response to urgency, at transmission opportunities at second time intervals, and

logic for *controlling frequency and time for said transmission opportunities and said routine transmissions independently of any receiver for receiving any of said transmissions*.

(emphasis added)

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In the light of the arguments given in respect to claim 25, the applicant respectfully submits that the office rejection of claim 49 under 35 USC 102(b) is traversed. The applicant respectfully submits that claim 49 is allowable.

Because claims 50 to 53 are dependent on claim 49, they are too allowable.

Claim Rejection – 35 USC 103

Claims 39 was rejected under 35 USC 103(a) as being unpatentable over Schilling and in view of Haartsen (US6,389,057).

The applicant respectfully traverses the rejection.

Claim 39 depends on claim 35. Because claim 35 is patentable in view of arguments given in the previous section, therefore claim 39 is too patentable.

Therefore, the applicant respectfully submits that the office rejection of claim 39 under 35 USC 103(a) is traversed. The applicant respectfully submits that claim 39 is allowable.

Request for Reconsideration Pursuant to 37 C.F.R. 1.111

Having responded to each and every ground for objection and rejection in the Office action mailed October 1, 2004, applicant requests reconsideration of the application pursuant to 37 CFR 1.111 and request that the Examiner allow the pending claims 25-53 and pass the application to issue.

Applicant respectfully submits that the already allowed claims 25-53 are allowable and requests that the Examiner pass the application to issue.

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Additional Remarks

The applicant wishes to inform the Office about another pending and already allowed, but not yet issued, application with related subject matter and claims. The application number is 09/407,417.

Applicant respectfully submits that the presented claims are allowable and request that the Examiner allow claims 25-53 and pass the application to issue.

Respectfully,

By 
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